

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, August 27, 2020, 1:00 p.m.
Virtual Meeting held through Conference Call

MINUTES

1) **CALL TO ORDER**

The meeting was called to order by Mayor Judd at 1:02 p.m.

2) **ROLL CALL**

City of Moorhead: Mayor Jonathan Judd
Council Member Chuck Hendrickson
Council Member Shelly Carlson
Clay County: Commissioner Grant Weyland
BRRWD Board: Member Gerald VanAmburg

Others Present: Attorney John T. Shockley and Attorney Chris McShane from Ohnstad Twichell Law Firm; Eric Dodds and Jessica Warren, AE2S; Stephen Larson, Clay County Administrator; Bob Zimmerman, Moorhead City Engineer; Pat Roberts and Scott Stenger, Prosource; Lisa Kilde, HMG SRF; John Albrecht, Jacobs Engineering; and Colleen Eck, Clay County staff.

3) **APPROVAL OF AGENDA**

Commissioner Weyland moved and Council Member Hendrickson seconded to approve the agenda. Motion carried. Documents for Item 11 were provided today and action will be requested on the item.

4) **APPROVAL OF MINUTES**

Commissioner Weyland moved and Council Member Carlson seconded to approve the minutes from the June 25, 2020 meeting as presented. Motion carried. *(There was no meeting in July.)*

5) **PROJECT UPDATES**

a. Property Acquisition Status Report

Mr. Dodds referred to pages four, five and six of the handouts for the status report and accompanying map. The number of total acquisitions is approaching 400. Condemnation was completed on a couple properties on the Cass County side. Bio/Geo monitoring is ongoing. In future months there will be a separate map page for acquisitions.

b. Drayton Dam Replacement Project

Mr. Dodds stated the City of Drayton has a dam that has been deemed hazardous. A Memorandum of Understanding (MOU) is needed for support

for a rock dam at Drayton. A number of acres on the MN side will be impacted by it. An Environmental Assessment Worksheet (EAW) is needed. DNR will need to know who the Regulatory Government Unit (RGU) will be for the EAW. This Board (MCCJA) may be the right entity for the RGU and Dr. Zimmerman supported that choice. Publication requirements and a resolution are required to initiate it. After the documentation is completed, it would be posted for public review and comment, then the Board would take final action on it. Mr. Dodds commented that this is not a controversial project. Items for the EAW will be on the next meeting agenda.

c. Land Needs for Red River Control Structure

Mr. Dodds referred to pages 15 and 16 for land needs for the Red River Control Structure. The drawings for it will be finalized by next week. The green lines indicate the properties that need to be acquired, and the red lines are where temporary easements are needed. There is no request from the USACE yet. Appraisals and boundary survey work will follow.

6) RIGHTS OF ENTRY

a. Acquisition Update

Mr. Dodds noted they have secured quite a few rights-of-entries, but a handful of property owners have had to go to court. Attorney McShane has dealt with those property owners. He commented on a property owner who demanded significant compensation and was told everyone was paid the same. After many months, on the morning of court, the property owner was agreeable to the compensation allowed and the court hearing was canceled. Two others went to court with Judge Rosenfeldt and Attorney McShane was successful in obtaining the orders requested.

b. Fieldwork Update

Ms. Warren noted that the Army Corps of Engineers began biologic geomorphic studies over the past two weeks. A few of the study points were on the MN side of the Red River. They will be going back out for two to three more weeks for more studies. The Corps gives a heads up to the property owners before coming out.

7) PROPERTY ACQUISITION

a. OIN 256 Property Acquisition Summary

Clay and Paula Hestdalen are property owners who required an early acquisition. Their property is impacted by the Southern Bank SE-4. Their counteroffer of ten percent above the appraisal value is in line with the property owner to the south of him. Their land agent, Pat Roberts, has been in discussions with these owners for quite some time. The counteroffer is for \$256,300.

Council Member Hendrickson moved and Commissioner Weyland seconded to approve the acquisition of OIN 256 for \$256,300. Motion carried.

8) CONTRACTING ACTIONS

a. Compass Task Order for Environmental Monitoring Easements

Mr. Dodds stated this Compass Task Order is for approximately 46 parcels in MN to facilitate the ongoing biotic and geomorphic monitoring program. The right-of-entry process will result in a refinement of the exact easements needed. Cass County approved the task order this morning. The established minimum is \$750. This contract has been reviewed and approved by Attorney Shockley and Mr. Paulsen. After reaching out to two firms, Compass is recommended because they are able to complete the work on time.

Member VanAmburg asked for additional information on the environmental monitoring. Mr. Dodds described it as an adaption management program needed for monitoring the biotic conditions and erosion along the waterways to develop a baseline. They continue to monitor at the same locations to see if there are any changes, then determine if the changes are natural or are due to the project.

Council Member Carlson moved, and Council Member Hendrickson seconded, to approve the Compass Task Order 2 for Environmental Monitoring Easements. Motion carried.

9) RELOCATION BENEFITS

a /b OIN 1847 Reimbursement Claim

Mr. Roberts requested closing cost reimbursements for the Handlos and Wagenmann properties. They are part of the relocation benefits offered to property owners.

Commissioner Weyland moved and Council Member Hendrickson seconded to approve the reimbursement claims for Handlos and Wagenmann properties. Motion carried.

10) LAND AGENT REPORTS

a. OIN 1793 - Land Agent Pat Roberts

Mr. Roberts has been working with these landowners – Thomas and Laurie Livdahl – and their legal counsel. He presented an offer and received a counteroffer from their counsel. This parcel (OIN 1793) has a landowner and a tenant business located on it. The relocation is complex and there was a

misunderstanding between the landowner and the business tenant. The appraisal was based on one understanding and their counteroffer represented something different. They will likely need to have a review done on the appraisal to distinguish ownership of the property itself and then for the business portion. It is a pretty big rural operation with machinery and equipment. There is some deterioration, but it is still functioning. Mr. Roberts will be back at a later date for action on this item.

11) PROPERTY MANAGEMENT

a. Acquired Property Insurance Update

Mr. Dodds referenced the need for insurance for the acquired properties. On the ND side they have Dawson Insurance for coverage on their acquired properties. The annual premium for liability insurance on the MN side would be \$2,857.80. Attorney Shockley recommended moving forward to obtain a policy with Dawson Insurance. They can continue to look for lower premiums if requested.

Member VanAmburg moved and Commissioner Weyland seconded to approve purchasing a policy with Dawson Insurance for liability coverage on the acquired properties on the MN side. Motion carried.

12) OTHER BUSINESS

Mr. Dodds noted that the City of Georgetown owns a parcel along the Buffalo River. An easement is needed on that parcel for the diversion project. At first Georgetown seemed willing to consider an easement but after they asked their attorney to review it, they refused to sign. Mr. Larson has sent a letter to Mayor Trevor Sorenson and Clerk Tammy Sather. He followed up on the request but the only response he gets is they are not interested. The parcel was shown on a map. Georgetown acquired it in the 60s. Part of it is used for disposal of grass clippings. The Buffalo-Red River Watershed District owns the parcel directly across the river. Mayor Judd offered to reach out to Mayor Sorenson on the matter.

At this time, the next meeting is scheduled for September 24 but may be rescheduled for a different date. The Interim Water Topic Committee is also scheduled for the same day.

Council Member Hendrickson moved and Commissioner Weyland seconded to adjourn the meeting at 1:58 p.m.

Stephen Larson, MCCJPA Secretary